



FMCSA Requests Congressional Action for HOS Rules

The Federal Motor Carrier Safety Administration is seeking Congressional action to make its embattled hours-of-service rules permanent. The agency drafted proposed legislative language that would make the existing hours-of-service rules "fully legalized," as if they had been adopted by Congress in the first place. The FMCSA submitted the proposed language to Congress as part of a six-year transportation funding bill, known as the Safe, Accountable, Flexible and Efficient Transportation Equity Act.

If the legislation passes, the agency would be able to sidestep a court-ordered rewriting of the hours-of-service rules. A federal appeals court essentially threw out the rules in July 2004, but Congress came to the FMCSA's aid by delaying that court order until Sept. 30, 2005. The agency is currently engaged in a rulemaking process to meet that deadline.

A major benefit of the legislation would be to put an end to the uncertainty felt by drivers, motor carriers, the enforcement community, and others trying to comply with ever-changing rules. According to Bill MacLeod, director of communications at the FMCSA, "If we end the uncertainty, we think it will promote compliance. As it seeks Congressional relief, the agency is continuing to re-write the hours-of-service rules.

The agency also proposed legislation that would affect its obligation to consider driver health when creating new rules. Congress currently requires that FMCSA regulations "ensure that...the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators." That requirement became a factor in the appeals

court's decision in the hours-of-service case when the court argued that the agency failed to comply with that Congressional mandate.

According to its proposed legislation, the FMCSA says that requirement "has become a potential roadblock to DOT safety initiatives because it could be read as prohibiting any regulation that allows a deleterious effect, however minor, to affect a commercial motor vehicle driver."

The agency has proposed replacing the Congressional language on "deleterious effect[s]" with a reference to "recognized hazards that are causing or are likely to cause death or serious physical harm." According to the proposal, "The result is that DOT will be required to consider only significant threats to driver safety when conducting rulemaking." That requirement is similar to the obligation of other federal agencies.

With permission from JJ Keller Newsletter, March 2005

Moving in Missouri?

A new "Moving in Missouri" pamphlet is now available. This publication, developed with the assistance and partnership with household good carriers, gives customers tips on questions to ask, describes their rights, defines terms and outlines how to handle loss and damage claims. Household goods carriers will be given a supply of pamphlets to distribute free of charge to their prospective customers. See it for yourself on our web site at:

<http://www.carrier.state.mo.us/mcs/registration/info.htm>

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Jan's Letter

I really enjoy meeting you when you visit MoDOT's MCS office. Whether you're taking care of registration, fuel tax or an overdimension/overweight permit, we are able to meet all your needs at this one location. And within the next few months a new computer system will allow us to meet your needs more quickly and efficiently. Actually, you will be able to handle many transactions with us while on-line, but I hope you still come by our office, too, so we can visit.

Try to take a little time to see what is available right now on MoDOT's MCS web site. You can find our web site more quickly if you bookmark the site. Also, on www.MoDOT.org you can find a work zone map to help you find where you'll encounter major work zones. (See Work Zone article, page 7.) There will be very few construction-free routes this summer as MoDOT delivers highway smoothing and safety projects made possible by Amendment 3. Please stay within the posted speed limit

and stay alert. Last year, more than 1,500 people were injured and 28 were killed in work zones. We at MoDOT lost three coworkers to work zone incidents and 69 of us were injured.

Another safety issue greatly concerns me - 48% of commercial motor vehicle drivers don't buckle up. Nationally, in 2002, 325 carriers died in crashes, many because they did not wear their seatbelt. Wearing a seatbelt can save your life. Please, please buckle up.

The calls, visits and letters you send really help us learn what you need so we can design our processes to meet these needs. Keep it up! Continuous improvement benefits us both.



Motor Carrier Services Director

New DOT Agencies Encourage Innovation and Safety

DOT Secretary Norman Y. Mineta announced the creation of two new agencies within the U.S. Department of Transportation – one to focus on innovation and research and the other on pipeline and hazardous materials safety. These new agencies will help the DOT to more effectively execute its mission of developing and applying innovative technologies to create the transportation system of the 21st century. The new agencies opened Feb. 20, 2005.

The Research and Innovative Technology Administration and the Pipeline and Hazardous Materials Safety Administration were authorized on Nov. 30, 2004, when President Bush signed the Norman Y. Mineta Research and Special Programs Improvement Act.

RITA is dedicated to the advancement of the department's priorities for innovation and research in transportation technologies and concepts. PHMSA oversees the safety of the more than 800,000 daily shipments of hazardous materials in the United States and the 64% of the nation's energy that is transported by pipelines. RITA's staff came from the Research and Special Programs Administration's Office of Innovation, Research and Education, and includes the Volpe National Transportation Systems Center in Cambridge, Mass., and the Transportation Safety Institute in Oklahoma City. RITA also houses the Secretary's Office of Intermodalism and the Bureau of Transportation Statistics. Staff from the former RSPA's Office of Hazardous Materials Safety and Office of Pipeline Safety form PHMSA.

Taken from JJ Keller Newsletter, March 2005.

MCS Is Making Progress

OD/OW Task Force

The Overdimension/Overweight Task Force met on March 9th in Jefferson City to continue updating rules and regulations. Group members are currently reviewing your comments and suggestions and are contacting other states to determine how Missouri's procedures and rules can be made more consistent with others'.

A draft of new OD/OW rules will soon be sent to the Missouri Highways and Transportation Commission for their review. If approved, the rules will appear on the Notice of Register for your comments.

Minutes from task force meetings can be found on our website at www.carrier.state.mo.us.

Company Pleads Guilty to HazMat Violations; Pays More Than \$400,000 in Fines

An Indiana company pled guilty to felony charges stemming from its failure to comply with federal hazardous materials transportation laws. Specifically, the company failed to train an employee who was seriously injured while unloading hazardous materials at a facility in Chattanooga, Tennessee. On Jan. 3, 2001, a company employee was seriously injured when a valve fitting on a railroad tank car ruptured spraying him with sulfuric acid. The employee was unloading the product by himself, despite the fact that he had received no training on the handling of hazardous materials and was not wearing personal protection equipment when more than 1,800 gallons of acid spilled.

Under the plea agreement, the company agreed to pay a \$400,000 fine imposed by the Department of Justice and abide by the terms of a three-year probationary period. The company will also implement a comprehensive program to comply with all HM laws and regulations. This includes taking specific steps to ensure its employees are properly trained, tested, and certified before they handle hazardous materials.

The company paid a \$27,500 civil penalty to the Federal Railroad Administration for failing to train or directly supervise the employee and a \$44,750 fine to OSHA for other regulatory violations resulting from the incident.

Taken with permission from the JJ Keller Newsletter, 2005.

TSA Begins Third Phase of Hazmat Threat Assessment Program

The Transportation Security Administration began the second phase of the Hazmat Threat Assessment Program on Jan. 31, 2005, with the fingerprinting of commercial truck drivers applying to obtain new hazardous materials endorsements on their state-issued commercial driver's license.

During phase one, TSA conducted name-based security threat assessments on all 2.7 million hazmat drivers to determine whether any presented a potential terrorist threat. In phase two, a FBI fingerprint-based criminal history records-check and immigration status-check is run on all drivers. The final phase started May 31, 2005, when drivers, who currently hold HMEs and wish to renew or transfer the HME, must undergo a fingerprint-based background check.

Under the USA PATRIOT Act, a state cannot issue, renew or transfer an HME unless the driver successfully com-

pletes TSA's security threat assessment. If TSA disqualifies an HME applicant, the driver can appeal the finding or seek a waiver. Drivers who don't transport hazardous materials don't need a HME. Drivers who surrender their HME will not be required to complete a security threat assessment. Some examples of shipments classified as hazardous materials include gasoline, explosives, radioactive and infectious substances, propane, chlorine, acids, ammonia and other poisonous gases.

Drivers must renew the HME at least every five years, although a state may require more frequent renewals. Under TSA rules, drivers are responsible for reporting disqualifying events.

*For more information, please visit www.hazprints.com
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FMCSA Says Hazmat Security Mandates May Be Necessary

Governmental mandates may be needed to ensure protection of hazardous materials shipments, the Federal Motor Carrier Safety Administration said in the final version of its report on technologies to protect hazmat shipments.

"While the technologies do show promise for enhancing truck safety, security and efficiency, market forces may be slow in moving the hazmat trucking industry towards full deployment and realization of benefits," the FMCSA

report said. "Government intervention may be required to facilitate the deployment process."

Although FMCSA's report advocated the voluntary use of certain technologies by hazmat haulers, some trucking industry officials criticized it as the first step toward rule-making.

Paraphrased from an article published in Transport Topics, 03/21/05. Used with permission of Transport Topics.

Training Sessions Coming Up

The next schedule of training sessions will begin in July. See specific details below for dates and locations. These sessions are free and designed for company management, staff who oversee CMV safety compliance, staff who handle licensing and permitting functions, farmers and those who help haul farm goods.

The sessions on Safety will cover compliance with Federal Motor Carrier Safety Regulations and state commercial vehicle laws. This includes basic regulations, how to maintain safety compliance, how and why companies or farmers might receive an inspection visit and what happens when someone is out of compliance. Topics include driver qualifications, hours of service, maintenance requirements, CDL, drug and alcohol testing and other federal and state rules and regulations.

The sessions on IFTA/IRP/Permit will contain information on the 2006 renewal process, staggered registration, single state requirements, new requirements and changes in permits for overdimension/overweight movements, Phase II requirements for PRISM, filing on the new web based system to be implemented this fall and other updates.

The sessions for farmer/agricultural D.O.T. safety will include areas covered in the general sessions on safety but will be geared toward the specific requirements and exceptions for transporting farm products and equipment.

The training sessions and materials provided will be free of charge. Sessions will begin at 8:30 p.m. and end at 3:30 p.m. Check our website for more detail and additional dates as they are added.

For more information or to make reservations, contact Lori Hall (573.522.9001) or Pam Taylor (573.522.4937) and please indicate which program you'd like to attend.

Safety Outreach Dates and Locations

Date	City	Place	Phone No.
Wednesday, July 13	Springfield	Lamplighter Inn & Suites 2820 N Glenstone Ave	417-869-3900
Wednesday, July 13	Macon	MoDOT District 2 Training Room	660-385-3176
Tuesday, July 19	St Louis	MoDOT Dist Traffic Mgmt Center Meeting Room	314-340-4100
Wednesday, July 20	Cape Girardeau	VFW Hall 1049 N Kingshighway	
Friday, July 22	Joplin	MODOT-District 7 Headquarters 3901 E 32 nd St - 2 nd Fl Room A	800-654-5428
Tuesday, July 26	Lees Summit	MoDOT District 4 Office Meeting Room 600 NE Colbern Rd	816-622-6500
Wednesday, July 27	Jefferson City	Carrier One Stop Shop MCS I-70 Meeting Room 1320 Creek Trail Drive	573-522-9001
Tuesday, August 2	Cameron	Cameron Police Dept Meeting Room - Chestnut & 2nd Street (please use fire dept entrance)	
Friday, August 5	Houston	MoDOT Maintenance Shed North Highway 63	417-469-3134

IFTA/IRP/Permits Seminars - will be held only at these locations

Date	City	Place	Phone No.
Tuesday, July 12	Springfield	Lamplighter Inn & Suites 2820 N Glenstone Ave	417-869-3900
Wednesday, July 20	St Louis	MoDOT Dist Traffic Mgmt Center Meeting Room	314-340-4100
Thursday, July 21	Cape Girardeau	VFW Hall 1049 N Kingshighway	
Wednesday, July 27	Lees Summit	MoDOT District 4 Office Meeting Room 600 NE Colbern Rd	816-622-6500

Farmer/Agricultural D.O.T. Safety Outreach

Date	City	Place	Phone No.
Tuesday, July 12	Springfield	Lamplighter Inn & Suites 2820 N Glenstone Ave	417-869-3900
Thursday, July 14	Macon	MoDOT District 2 Training Room	660-385-3176
Wednesday, July 20	St Louis	MoDOT Dist. Traffic Mgmt. Center Meeting Room	314-340-4100
Thursday, July 21	Cape Girardeau	VFW Hall 1049 N Kingshighway	
Thursday, July 28	Jefferson City	Carrier One Stop Shop MCS I-70 Meeting Room 1320 Creek Trail Drive	573-522-9001
Thursday, July 28	Warrensburg	Johnson County Fairgrounds Hwy 50	
Wednesday, August 3	Cameron	Cameron Police Dept. Meeting Room Chestnut & 2nd Street (please use fire dept entrance)	

Tank Trucks

Carriers Fear Hazmat Driver Pool to Shrink

The federal government's efforts to secure hazardous materials shipments against possible use by terrorists is raising concerns among tank truck carriers, who fear that mandatory background checks in the wake of 9/11 would compromise their already shrinking pool of drivers.

The Transportation Security Administration soon will begin conducting fingerprint-based assessments of drivers' criminal histories when they renew or transfer the hazardous materials endorsement on their commercial driver licenses.

The fingerprinting program was scheduled to begin May 31. Drivers applying for first-time hazmat endorsements must already submit to the check.

TSA has estimated that 400,000 drivers each year would undergo tougher background checks. Twenty percent are expected either to fail the stricter screening or to leave the industry, reducing the number of drivers with commercial driver licenses with hazmat endorsements to 2 million by 2007, from the current 2.6 million. "It's one more straw in the bundle of making it difficult to get guys," said Dick Lewis, chairman and chief executive officer of Superior Tank Lines, Oak Brook, Ill., which has about 2,300 company and contract drivers.

Greg Hodgen, president of Groendyke Transport, Enid, Okla., said it is "absolutely" going to be harder to find drivers in the wake of the new checks.

"Some of the rate increases we've taken are because of the tough climate today to find drivers," Hodgen said. "There already are enough challenges in our business for drivers. Handling a tanker is not for everybody."

Cliff Harvison, president of National Tank Truck Carriers, calls the specter of fingerprinting and other background checks a "disaster" for the tank truck industry. "This will exacerbate the driver shortage. A lot of these drivers are going to say, 'forget this, I'm going to work with a carrier that doesn't need a hazmat endorsement. I'll go to work for Wal-Mart.'"

Even TSA has said it expects the pool of drivers for bulk trailer loads to dwindle. Just as the overall pool of 3 million interstate drivers dropped when mandatory drug and alcohol screening went into effect in 1991, the pool of candidates eligible for a hazmat endorsement would drop when new background checks and fingerprinting are fully in effect this year, TSA said.

Hazmat haulers already are taking steps to guarantee driver availability. Some fleets, for example, said they were implementing stricter, in-house background checks in efforts to make better hiring decisions. Others said they were paying for drivers to renew their hazmat-endorsed CDLs before new tests come into play.

Still others are pushing for the proposed national identification card for transport workers.

Kenan Advantage Group, a family of five companies that includes the largest petroleum hauler in the country, Kenan Transport, said it upgraded its own in-house background check procedures, including contacting previous employers.

Since 9/11, Kenan has increased in-depth criminal background checks on potential drivers, using a third party to conduct those checks.

Taken from Transport Topics, Week of May 9, 2005

Tips for Obtaining Overdimension/Overweight Permits

You need a permit. The last time you called, you listened to hold music longer than you care to remember. What can you do to reduce the wait?

Relief is on the way. A new computer system will be complete this fall. It will allow carriers to apply for routine permits over the Internet and print out a copy any time, day or night. In the meantime, MCS has a few tips to save your valuable time:

- Our call volume is heavy early in the morning, at lunch and just before we close. You might get through faster when calling between 9 and 11:30 a.m. or 1:00 to 3:00 p.m.
- Call as many days in advance of the movement as possible.
- Have complete information ready to give the MCS agent. For required information, visit our website at www.carrier.state.mo.us.
- Be aware of the balance in your escrow account. If there's not enough in your account to cover the cost, we can't issue the permit.
- Use the Internet to apply for permits. We're happy to tell you how. Call us at 1-866-831-6277 and press 0 for instructions.
- For extremely large or heavy loads, you can conduct a preliminary highway survey so you know what to expect in terms of routing.

New Web-based Computer System Update

We're happy to report that our computer upgrade project is on target. At the end of August, we expect to implement a new system loaded with features to make your work life much easier. You'll be able to fill out MCS applications, print credentials and check your account status any time from any computer.

Seminars are scheduled for July and will include training on the new system. Check out the schedule in this publication and watch our website for future seminar schedules.

Update

Effective April 15, 2005, MoDOT Motor Carrier Services, Enforcement changed their name to Safety and Compliance.

Smoothing the Way for Dump Trucks

No doubt you've noticed that MoDOT and its contractors are out in force this summer, working on hundreds of highway smoothing and safety projects made possible by the passage of Amendment 3. All this work results in a higher demand for many construction specialties - especially dump truck services.

When applying for intrastate registration, please be aware that expedited service is available. Just write "Dump Truck Service" in the section labeled "A" on the MO-1 Application, complete, sign, print and mail it.. The application and instructions can be found on our website:

MO-1 Application: <http://www.carrier.state.mo.us/mcs/faq/mo1form2.pdf>

MO-1 Instructions: [http://www.carrier.state.mo.us/mcs/faq/MO-1 Instructions.pdf](http://www.carrier.state.mo.us/mcs/faq/MO-1%20Instructions.pdf)

All carriers must comply with applicable Federal Motor Carrier Safety Regulations and be prepared for an on-site compliance review. Call MoDOT Motor Carrier Services Division at 1-866-831-6277 to get answers to your questions.

Meet Us At the Fair!

Come visit with us at the MoDOT Motor Carrier Services booth during the 2005 Missouri State Fair in Sedalia. Find us in the Matthewson Exhibition Center, August 11-21. We'll help Missouri farmers understand how Federal Motor Carrier Safety Regulations and registration rules apply to agricultural hauling operations. While we will focus on farm regulations, information will be available for all types of motor carrier operations. We're also eager to tell you about upcoming training seminars and to try to answer any questions you have about permitting, registration or other credentials.

Lost & Found

A pair of women's prescription glasses was left at MCS's former location on Southridge during the last week of December. Please call (573) 751-4691 to claim them.

Correction

In our last issue, "Update on Vertical Clearance Maps", we indicated that MCS had started using electronic height restriction maps. This process has been delayed. Watch our website for updates.

Think Ahead For Work Zone Locations

Smoother, safer highways are on the way, but to get there, Missouri will have a record number of work zones. You could experience delays.

Wouldn't it be great if you could know where the zones are before your trip begins? Now you can. Visit MoDOT's web site, www.modot.org and click on the Work Zone Map box in the upper right corner and you'll get instructions and a link to a special map.

When loading is complete, you'll see an image of the entire state. Use the options on the right to narrow your search by origin and destination or highway type. At any time, you can click on one of the color-coded icons for information on a specific location.

You're always welcome to call 1-888 ASK MODOT (888-275-6636) during work hours for more information or answers to other transportation questions.

Please keep the following tips in mind so that everyone is safe in work zones:

- Be patient. Plan extra time into your trip.
- Be ready! Pay attention to traffic conditions beyond, beside and behind you.
- Merge as soon as possible to improve traffic flow.
- Obey posted speed limits.
- BUCKLE UP!
- Drive sober. The lives of everyone else on the road depend on you.
- Consider driving at non-peak summer times by avoiding Friday and Sunday evenings.

OD/OW Holiday Restrictions

During the Independence Day holiday period, vehicles with an overdimension/overweight permit are not allowed to operate from noon, Friday, July 1 until the morning of Tuesday, July 5, 2005.

A restriction will also apply over the Labor Day holiday, starting at noon, Friday, September 2 until the morning of Tuesday, September 6.

Datelines

July 4

Independence Day - MCS offices closed

July 31

IFTA 2nd quarter returns due

Aug. 22-23

IRP and IFTA renewals mailed

Aug. 24-25

SSRS, Intrastate and Interstate Exempt renewals mailed

Sept. 5

Labor Day - MCS offices closed

Did You Know?

Federal regulations require an annual inspection of all commercial motor vehicles?

Every commercial motor vehicle must be inspected every 12 months in accordance with the parts and accessories rules in the Federal Motor Carrier Safety Regulations.

"Commercial motor vehicle" refers to each vehicle in a combination vehicle. For example, for a tractor semitrailer and fulltrailer combination, the tractor, semitrailer, and the fulltrailer (including the converter dolly if so equipped) must be inspected.

However, vehicles that undergo a roadside or periodic inspection performed under the auspices of the FMC-SA, any State government or equivalent jurisdiction and that meet the minimum standards of the regulations, has fulfilled the requirement. In fact, another inspection isn't needed until 12 months from the last day of the month the vehicle was inspected.

2005 Motor Fuel Legislative Update

The 2005 Kansas Legislature enacted House Bill 2297, effective July 1, 2005, which removes the exemption for the Commercial Zone and Out of State farm plated vehicles. Qualifying motor vehicles will now have to secure a Kansas fuel trip permit or have a valid IFTA license from their base jurisdiction.

News on Wheels

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Additional copies available upon request. If you have any questions or comments, please send them to the address at left.

Motor Carrier Services Director
Jan Skouby

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Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.





News on **Wheels**

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International Registration Plan	Regulations, IRP applications, reciprocity, trip permits, temporary authorizations, license plates, cab cards
International Fuel Tax Agreement	Regulations, Missouri IFTA applications, temporary fuel permits
Overdimension and Overweight	Regulations, permits, blanket permits
Single State Registration, Interstate Exempt, Intrastate Authority, Housemovers License, Hazardous Waste and Waste Tires	Applications, SSRS receipts, stamps, stickers, licenses, proof of insurance
Safety and HM Regulations/Enforcement	Information, regulations, training, compliance reviews, educational contacts, complaint investigations

Web sites: www.carrier.state.mo.us and www.modot.org